

<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371</b>		ATTORNEY'S DOCKET NUMBER 2693-000024/US/NP U.S. APPLICATION NO. (if known, see 37 CFR 1.5) 10/578,157
INTERNATIONAL APPLICATION NO. PCT/EP2004/012455	INTERNATIONAL FILING DATE 4 November 2004	PRIORITY DATE CLAIMED 5 November 2003
TITLE OF INVENTION		
PLATFORM		
APPLICANT(S) FOR DO/EO/US		
Xaver EINSLE et al.		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
1. <input type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a submission under 35 U.S.C. 371. 2. <input checked="" type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a submission under 35 U.S.C. 371. 3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below. 4. <input type="checkbox"/> The US has been elected (Article 31). 5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371 (c)(2)) a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> has been communicated by the International Bureau. c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). 6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)). a. <input type="checkbox"/> is attached hereto. b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4). 7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> have been communicated by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input type="checkbox"/> have not been made and will not be made. 8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)). 9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). 10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)). <b>Items 11 to 20 below concern document(s) or information included:</b> 11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98. 12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included. 13. <input checked="" type="checkbox"/> A preliminary amendment. 14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76. 15. <input type="checkbox"/> A substitute specification. 16. <input type="checkbox"/> A power of attorney and/or change of address letter. 17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 – 1.825. 18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4). 19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).		

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

U.S. APPLICATION NO. (if known, see 37 CFR 1.5)		INTERNATIONAL APPLICATION NO. PCT/EP2004/012455		ATTORNEY'S DOCKET NUMBER 2693-000024/US/NP	
20. <input checked="" type="checkbox"/> Other items or information:		Certificate of Express Mailing EV 755 416 815 US (1 page); Check in the Amount of \$580.00; Supplemental Application Data Sheet (3 pp); Notification of Loss of Entitlement to Small Entity Status (1 p); Response to Notice to File Missing Parts of Application (1 p); Petition for 2 Month Extension of Time under 37 CFR 1.136(a) (1 p); Part 2 Copy of Notice of Missing Requirements (2 pp); Return Receipt Postcard.			
The following fees have been submitted				CALCULATIONS	PTO USE ONLY
21. <input type="checkbox"/> Basic national fee (37 CFR 1.492(a))		..... \$300		\$	
22. <input type="checkbox"/> Examination fee (37 CFR 1.492(c))				\$	
If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)		..... \$0			
All other situations		..... \$200			
23. <input type="checkbox"/> Search fee (37 CFR 1.492(b))				\$	
If the written opinion of the ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)		..... \$0			
Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority		..... \$100			
International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB		..... \$400			
All other situations		..... \$500			
TOTAL OF 21, 22 and 23 =				\$	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
- 100 =	/50 =		x \$250.00	\$	
Surcharge of \$130 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).				\$	130.00
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	15 - 20 =		x	0.00	
Independent claims	2 - 3 =		x	0.00	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+		
TOTAL OF ABOVE CALCULATIONS =				\$	130.00
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.					
SUBTOTAL =				\$	130.00
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).				\$	
TOTAL NATIONAL FEE =				\$	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				\$	0.00
Fee for extension of time for response within 2 months by a large entity				\$	450.00
TOTAL FEES ENCLOSED =				\$	580.00
				Amount to be refunded:	\$
				Amount to be charged	\$

05/31/2007 PKAYPAGH 00000147 10578157

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130.00 OP

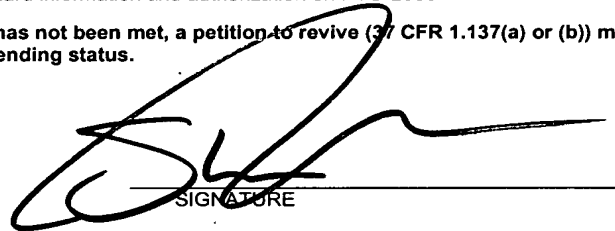
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

- a. ☒ A check in the amount of \$ 580.00 to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account No. 08-0750 in the amount of \$ \_\_\_\_\_ to cover the above fees.  
A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 08-0750. A duplicate copy of this sheet is enclosed.
- d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card information should not be included on this form.** Provide credit card information and authorization on PTO-2038

**NOTE:** Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

Stephen T. Olson  
Harness, Dickey & Pierce  
PO Box 828  
Bloomfield Hills, MI 48303  
United States of America

  
SIGNATURE

Stephen T. Olson  
NAME

36,626  
REGISTRATION NUMBER

Dated: May 29, 2007

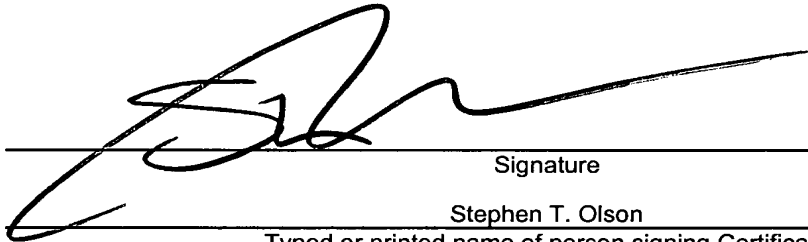
CUSTOMER NUMBER: 27572

## Certificate of Express Mailing Under 37 CFR 1.10

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Airbill No. EV 755 416 815 US in an envelope addressed to:

MS Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

on May 29, 2007  
Date



Signature

Stephen T. Olson

Typed or printed name of person signing Certificate

36,626  
Registration Number, if applicable

(248) 641-1600  
Telephone Number

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

1. Certificate of Express Mailing EV 755 416 815 US (1 p);
2. Check in the amount of \$580.00;
3. Transmittal letter to the DO/EO/US (3 pp, in duplicate);
4. Supplemental Application Data Sheet (3 pp);
5. Notification of Loss of Entitlement to Small Entity Status (1 p);
6. Second Preliminary Amendment (6 pp)
7. Response to Notice to File Missing Parts of Application (1 p);
8. Petition for 2 Month Extension Under 37 CFR 1.136 (a) (1 p, in duplicate);
9. Declaration and POA (3 pp);
10. Part 2 Copy of Notice (2 pp);
11. Return Receipt Postcard

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Xaver EINSLE et al.

Application No.: 10/578,157 Corresponding to  
PCT/EP2004/012455

Confirmation No.: 8800

Filed: May 4, 2006 (Unofficial)  
International Filing Date: November 4, 2004

Art Unit: N/A

For: PLATFORM

Examiner: Not Yet Assigned

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION**

MS Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

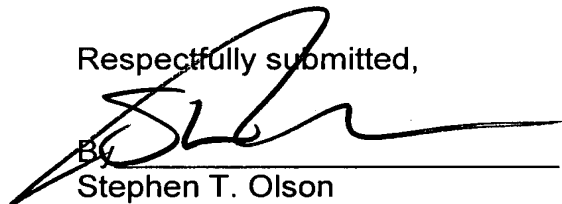
Dear Sir:

In response to the Notification of Missing Requirements Under 35 U.S.C. 371 mailed 1/29/2007, Applicant respectfully submits herewith a Petition and Fee for Extension of Time Under 37 CFR 1.136(a), a Combined Declaration and Power of Attorney, and a copy of Part 2 Copy of Notice.

Our check in the amount of \$580.00 covering the fees set forth in 37 CFR 1.27 (\$130.00) and 37 CFR 1.136(a) (\$450.00) is enclosed. The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 08-0750, under Order No. 2693-000024/US/NP.

Dated: May 29, 2007

Respectfully submitted,

  
By \_\_\_\_\_  
Stephen T. Olson  
Registration No.: 36,626  
HARNESS, DICKEY & PIERCE, P.L.C.  
P.O. Box 828  
Bloomfield Hills, Michigan 48303  
(248) 641-1600  
Attorney for Applicant



2693-000024/NP  
Missing Requirements  
Due 3/29/07  
UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/578,157	Xaver Einsle	2693-000024/US/NP

INTERNATIONAL APPLICATION NO.
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PCT/EP04/12455

I.A. FILING DATE	PRIORITY DATE
11/04/2004	11/05/2003

27572

HARNES, DICKEY & PIERCE, P.L.C.  
P.O. BOX 828  
BLOOMFIELD HILLS, MI 48303

CONFIRMATION NO. 8800

371 FORMALITIES LETTER



\*OC000000022186249\*

Date Mailed: 01/29/2007

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 05/04/2006
- English Translation of the IA filed on 05/04/2006
- Copy of the International Search Report filed on 05/04/2006
- Copy of IPE Report filed on 05/04/2006
- Copy of Annexes to the IPER filed on 05/04/2006
- Preliminary Amendments filed on 05/04/2006
- Information Disclosure Statements filed on 05/04/2006
- U.S. Basic National Fees filed on 05/04/2006
- Priority Documents filed on 05/04/2006

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$65** for a Small Entity:

- **\$65 Surcharge.**

Additionally the following defects have been observed:

- The translations of Annexes are canceled since the translations were not submitted prior to 30 months from the priority date.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.  
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at **1-866-217-9197** or visit our website at <http://www.uspto.gov/ebc>.

**If you are not using EFS-Web to submit your reply, you must include a copy of this notice.**

SHAKEEL AHMED

Telephone: (703) 308-9140 EXT 208

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/578,157	PCT/EP04/12455	2693-000024/US/NP

Docket No.: 2693-000024/US/NP  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Xaver EINSLE et al.

Application No.: 10/578,157

Confirmation No.:

Filed: May 4, 2006 (Unofficial)

Art Unit: N/A

For: Platform

Examiner: Not Yet Assigned

**NOTIFICATION OF LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

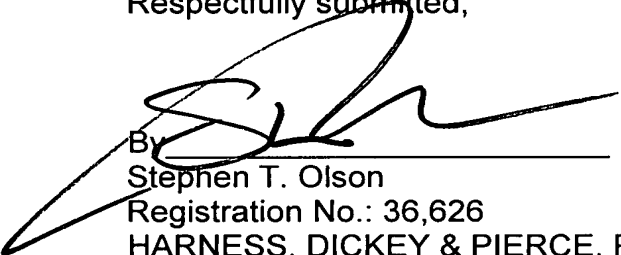
Dear Sir:

Assignee, Texogene International GmbH, Winzlaerstrasse 2a, D-07743 Jena, Germany, hereby notifies the Patent and Trademark Office that it is not entitled to status as a small entity, and that the claim for small entity status filed by the Applicant is hereby withdrawn.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 08-0750, under Order No. 2693-000024/US/NP from which the undersigned is authorized to draw.

Dated: May 29, 2007

Respectfully submitted,

  
By \_\_\_\_\_  
Stephen T. Olson  
Registration No.: 36,626  
HARNESS, DICKEY & PIERCE, P.L.C.  
P.O. Box 828  
Bloomfield Hills, Michigan 48303  
(248) 641-1600  
Attorney for Applicant